



**Transcript for the November 26, 2013, Webchat
Nonimmigrant Visas**

Q: I'm a current H1B holder who have just done an extension early this year, so the H1B expires in 2016. The stamp on my passport however has expired so I'll need to apply for a new visa stamp when I head to the UK for Christmas. How long will the processing take given that I'll be doing it in a US embassy in the UK with a Malaysian passport? Are the visa wait times here?

http://travel.state.gov/visa/temp/wait/wait_4788.html?post=London&x=84&y=12 applicable for someone of my circumstance or just for someone with a local British passport?

A: To clarify, the wait times stated on the Department of State's website relate to the approximate wait for the next available visa interview appointment, not to visa processing times. The only way to check real-time appointment availability is when scheduling a visa interview appointment. Please see our website at <http://london.usembassy.gov/niv/apply.html> for more information about the nonimmigrant visa application process. We advise applicants wishing to travel during the holiday season to apply for the visa as soon as possible as appointment availability cannot be guaranteed. The Embassy will be closed on December 26 & 26 and January 1. If a nonimmigrant visa application is successful following a visa interview, the average processing time is five working days but may be longer over the holiday season and as , processing varies in each case, we advise applicants not to make final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.

Q: I am living in UK and I am preparing for a E-2 visa application (My daughter is my only dependent and she is 6 at the moment). My daughter has severe eczema and is receiving herbal treatment in China (I am able to supply documents from the doctor) .Her skin condition will not allow her to travel much. Can I take my passport and my daughter's passport and go to London embassy for the E-2 visa interview when my daughter is in China?

Answer: Regardless of age, all visa applicants are required to be physically present in the consular district at the time of application.

Q: I was deported from the US 3 years ago, and under the Visa Waiver Programme was banned for 5 years, I only stayed on in the states because my ex husband wouldn't let me return to the UK with my daughter. I was arrested, detained for two months then deported to the UK. I have since returned to the US using a special Visa to attend a Hague Convention treaty for the abduction of a child. My ex husband was found to have abducted my child and she was returned to me and we came back to the UK. My ban will be up in 2 years, I would like to visit some friends in the States on vacation will I be able to return if I get a visa? Or would I risk getting there and being deported again, if I did get deported would they detain me again for two months?

A: Anyone that has ever been deported from the United States is not eligible to travel visa free under the terms of the Visa Waiver Program (via ESTA) at any time in the future. If you wish to travel to the United States for tourism and to visit friends, you will require a valid B-2 (tourist) visa. You are not prohibited from applying for a visa at any time. Please note that you will be required to bring a completed Form VCU-01 to your appointment, details of which can be found under Step 2 of our website at <http://london.usembassy.gov/niv/apply.html> If your deportation means that you are ineligible for a visa under U.S. law, the consular officer will decide whether to recommend you for a waiver of that ineligibility. If recommended, the review process will take approximately six months. We advise all applicants not to purchase travel tickets unless they have received their passport containing a valid visa appropriate for their purpose of travel and, if required, a waiver of ineligibility.



Q: I would like to travel to the US with the British passport (my spouse and child are British) so will be applying for an ESTA. My question is will I have to declare the 221g temporary refusal in the ESTA application even though it was overcome and the visa was issued?

A: Detailed information about the Visa Waiver Program is available on our website at <http://london.usembassy.gov/niv/vwp.html>. Individuals that have been refused a visa under Section 221(g) of the Immigration and Nationality Act are not prohibited from travelling visa free under the Visa Waiver Program, if they are otherwise eligible to do so. However, they are required to declare the refusal when they register under the Electronic System for Travel Authorization (ESTA) at <https://esta.cbp.dhs.gov>. Remember, if you are applying for a nonimmigrant visa, you will need a photograph that is suitable for appearing on a government form and on your passport. Check our Slideshare presentation at <http://www.slideshare.net/USAinUK/ds160-visa-photo-requirements> for tips to help you provide a photo that meets the Department of State's requirements.

Q: My non-immigrant dependent visa application is currently in administrative processing and it's been more than a couple of weeks now. I am not a British national and am currently on a dependent work visa in the UK. If I do not receive the US visa prior to my UK visa expiration, would it be possible to transfer my case to the US consulate in my home country? I will greatly appreciate your advice.

A: It is not possible to transfer a nonimmigrant visa application to another U.S. Embassy or Consulate. If you are not in the United Kingdom once the additional administrative processing of your application is complete, and you are unable to return to continue with the visa application process, then you will be required to submit a new application at the U.S. Embassy or Consulate with jurisdiction over your new place of residence. If you depart the United Kingdom while the processing of your application is ongoing, please notify us via our contact form at http://london.usembassy.gov/niv/contact_page.html.

Q: Hi, I have a single conviction from 35 years ago, when I was only 17. Do I still have to get a visa? If I need a visa, will I have enough time to get one? I want to visit the US next July. Thanks.

A: Anyone that has ever been arrested, convicted or cautioned should apply for a visa if they wish to visit the United States. The Rehabilitation of Offenders Act does not apply to U.S. visa law. As no assurances can be given in advance, we advise applicants to apply as early as possible and not to make final travel plans unless they have received their passport containing a valid visa appropriate for their purpose of travel. As you have been arrested, you will be required to bring your UK Police Certificate (ACRO) and completed Form VCU-01 to your visa interview.

Q: I am a student in my 3rd year at University in London. I spent 12 weeks in the US on an ESTA from February till May this year. I then travelled to Canada and had an interview in Vancouver for a six-month tourist visa. My parents are living in California on an R1 Religious worker visa. I visited with them from May until September on the tourist visa. I would like to travel on that tourist visa (which is valid for 10 years) to visit with them at Christmas. I was in CA for 4 months until returning to London to continue with University. Is this going to be possible? Will border control add the time spent on the ESTA or just count the time on my tourist visa. I do have documentation of my 3rd year in my course and my rental accommodation which is paid in advance.

A: If you possess a valid tourist (B-2) visa, you may use the visa to travel to a U.S. Port of Entry to apply for admission to the United States. Final determination on each individual's eligibility for admission to



the United States is a matter for U.S. immigration officials at the Port of Entry and no assurances can be given in advance.

Q: Firstly can i say that this is a great opportunity to ask some questions. i have a few questions and my first is: We have received our case number today for the second stage of i-130 applications and i was wondering if my employers job offer is enough affidavit of support as i have not resided in usa as an adult.

A: Please refer to our website at http://london.usembassy.gov/application_documents.html for information about the documentation required in support of an immigrant visa application.

Q: For the K-1 visa, does the 6-month maximum validity begin at the visa interview or the medical exam? We have all paperwork ready to schedule a medical, but want to ensure the validity coincides with our travel date in July.

A: If a fiancée visa is issued to you, you must present yourself at immigration in the United States prior to the expiration of your medical report.

Q: I work for a UK company which has a commercial agreement with a US company which involves me delivering training (for less than 90 days) in the US to some of its customers. What US visa type would cover my visit?

A: If you are unsure about the appropriate visa classification for travel, please contact us directly via our contact form at http://london.usembassy.gov/niv/contact_page.html to provide information about the activities that you will be undertaking in the United States.

Q: can u get a visa with a conviction of 6 years ago

A: It depends on the conviction and you should schedule a visa interview to discuss the matter with a consular officer. Remember, you will be required to bring your UK Police Certificate (ACRO) and a completed Form VCU-01 to your interview.

Q: where do I get that form please

A: Detailed information about applying for a nonimmigrant visa <http://london.usembassy.gov/niv/apply.html> - please refer specifically to Step 2 for information about how to obtain a UK Police Certificate and Form VCU-01.

Q: Hi, I had applied for B1/B2 tourist visa in on 18th Nov for travel on 22nd Dec, 2013. My application had gone under administrative review and the status is showing 'pending'. The interview officer told me that the whole process will take approx. 3 weeks, so i will get my visa before I fly. I have emailed the required documents on 19th Nov. Can you please shed light on the processing times and when I should send my passport back to London embassy? Thanks

A: Visa processing varies in each individual case and there is no set period of time that it may take. This is one reason why we advise all applicants not to purchase tickets or make final travel plans unless they have received their passport containing a valid U.S. visa appropriate for their purpose of travel.



Q: Thanks for your prompt response. I have one more question about my non-immigrant visa undergoing additional processing. I lived in US between 2008-2012 under my maiden name. During my stay in The UK last year i changed my surname from my maiden to married name. Both my previous and new surname are clearly stated in my application and passports. I just want to make sure to avoid any further delays that the administrative processing has taken both my last names into account for any relevant background checks. Please do advise if I need to discuss this separately on a case specific basis with the consulate?

A: If you provided all the information via your Form DS-160, we have everything we need. Please continue to monitor the online case status report for any updates about the status of your case.

Q: On the DS-160, I have dual citizenship in South Africa and UK, was born in SA but applying for a K1 on my UK passport (as i live here), so i put my UK passport information as "origin nationality" but birthplace in south africa, and it's giving me an error prompt, is that ok?

A: When completing Form DS-160, applicants should declare their nationality at the time of birth if asked for information about their origin nationality.

Here are some additional tips when applying for a visa to the United States:

1. Before you apply for a nonimmigrant visa, carefully review our website at <http://london.usembassy.gov/niv/apply.html> , with particular reference to our YouTube video, for detailed information.
2. If you attend the visa interview without the necessary UK Police Certificate and Form VCU-01, processing of your application will be delayed.
3. Waiver applications take six months to process even if the applicant has received a previous waiver. Some frequent travelers to the United States choose to apply greater than six months prior to the expiration date of their current visa so that the next visa may be ready to be issued without a gap. Your current visa with the valid waiver will not be canceled during the interview prior to the expiration date.
4. If you've been arrested, convicted or cautioned, check 'Step 2' of our website at <http://london.usembassy.gov/niv/apply.html> for information about how to obtain your UK Police Certificate (ACRO). You cannot present a CRB or Enhanced CRB instead of the UK Police Certificate. The Police Certificate must be issued no more than 6 months prior to your interview.
5. Currently U.S. Government policy is under review regarding criminal cautions in the United Kingdom. Applicants having a caution may experience lengthy delays during the application process. Apply as soon as possible and don't make final travel plans unless you have received a visa. These delays will affect applicants who may have already received a visa in the past after disclosing the caution.
6. Any individual convicted of an alcohol or drug related driving offense is not eligible for the Visa Waiver Program (ESTA) - they must apply for the appropriate visa to enter the United States. Failing to do so could result in denial of entry at the border and a permanent ineligibility for misrepresentation.



7. While a caution or conviction prior to the age of 18 may not render the person ineligible for a visa, they are, nevertheless, required to apply for a visa and declare their criminal history. Travelers in these situations are not eligible for the Visa Waiver Program (ESTA). The same applies to impending prosecutions - juvenile or adult; a visa is required. While you may apply, you should be aware that it may not be possible to adjudicate your visa application until the disposition of your criminal case is known.

8. Spent cautions and convictions (that which have dropped off your record) must be declared when completing Form DS-160. The Rehabilitation of Offenders Act does not apply to U.S. immigration law.